

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No: 2877 of 2005

Between:

- 1 The Secretary, GA (GH-1) Department A.P. Secretariat Building, Hyderabad.
- 2 The Director of Protocol, Inside Public Gardens, Nampally, Hyderabad.
- 3 The Additional Director, Inside Public Gardens, Nampally, Hyderabad.

..... PETITIONERS

AND

- 1 Sri K. V.S.S. Nagesh, Sr. Assistant,
O/o Additional Director, Department of Protocol, Public Gardens, Nampally,
Hyderabad.
- 2 Sri Ch. Purushotham, Jr. Assistant,
O/o Additional Director, Department of Protocol, Public Gardens, Nampally,
Hyderabad.
- 3 Sri Y.V. Vijaya Kumar, Jr. Assistant,
O/o Additional Director, Department of Protocol, Public Gardens, Nampally,
Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ Order or Direction more particularly one in the nature of Writ of "Certiorari" and calling for the records relating to the order passed in O.A.No. 2502 of 1997 dated 17-6-2004 on the file of the Hon'ble A.P. Administrative Tribunal, Hyderabad and quash the same as illegal, arbitrary.

Counsel for the Petitioner: GP FOR SERVICES II

Counsel for the Respondents: None Appeared.

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed by the Government challenging the order, dated 17.06.2004, passed by the A.P. Administrative Tribunal, Hyderabad, in O.A.No.2502 of 1997.

2. The respondent was appointed as Junior Assistant on 01.05.1980 under Compassionate Appointment Scheme. Thereafter, his services were regularized on 15.07.1982. The Government vide Memo No.982/GH-I/95-6, dated 18.10.1996, decided to revise the date of regularization of services of the respondent from 15.07.1982 to September 1990, and issued show cause notice dated 28.10.1996 as to why the date of regularization of his services should not be changed. Aggrieved by the said order the petitioner filed O.A.

3. The Tribunal, after considering the matter, allowed the O.A. on the ground that as on the date when the petitioner was appointed as Junior Assistant, the qualification required as per Rules is only intermediate and the respondent was admittedly holding the same. Against the said order, the present Writ Petition has been filed.

4. Learned Government Pleader submits that as on the date when the matter was considered, the respondent did not possess the requisite qualification, and therefore, the Tribunal ought to have rejected the O.A., but this contention cannot be accepted in the wake of the observation made by the Tribunal that the qualification as on the date of appointment is to be taken into consideration. Admittedly, on 01.05.1980 the qualification required for the post of Junior Assistant is only Intermediate. May be the qualification that is required for holding the post was amended in the year 1987, but that matters very little for the purpose of consideration of this case inasmuch as the respondent possessed necessary qualification as on the date of appointment, and as such, the order of the Tribunal cannot be said to be illegal.

5. Accordingly, the Writ Petition is dismissed. No costs.

G. BIKSHAPATHY, J.

P.S. NARAYANA, J.

Date: 18.02.2005

ES

To

- 1 The Secretary, GA (GH-1) Department A.P. Secretariat Building, Hyderabad.
 - 2 The Director of Protocol, Inside Public Gardens, Nampally, Hyderabad.
 - 3 The Additional Director, Inside Public Gardens, Nampally, Hyderabad.
- 4 2 CCs to the G.P. for Services-II, High Court of A.P., Hyderabad (OUT).
- 5 The Registrar, A.P. Administrative Tribunal, Hyderabad.
- 6 2 CD copies